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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/713,161	11/17/2003	Susanne Wyrembek	245127US41XCONT	9458
22850 7	590 11/17/2004		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA. VA 22314			HOLZEN, STEPHEN A	
			ART UNIT	PAPER NUMBER
	, ===		3644	
			DATE MAIL ED. 11/17/200	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summany	10/713,161	WYREMBEK ET AL.				
Office Action Summary	Examiner	Art Unit				
·	Stephen A. Holzen	3644				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address (Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		.•				
1) Responsive to communication(s) filed on	_•					
2a) ☐ This action is FINAL . 2b) ☒ This	This action is FINAL . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-20 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-20</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119		·				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
See the attached detailed Office action for a list t	or the certified copies not receive	u.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s)/Mail Date					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 		ite atent Application (PTO-152)				
Paper No(s)/Mail Date <u>6/4/2004</u> .	6) Other:					

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Burneli (1,987,050). Burneli discloses a main body connected to wing having a control member with a fixed and pivotable member configured to increase a crag of the aircraft without substantially changing a lift of the aircraft, further comprising a hinge between the fixed member and the pivotable member, the hinge member configured to pivot the pivotable member, wherein a portion of the pivotable member is configured to be disposed adjacent to and within a projection of the fixed member (see Figure 1, right wingtip, #14 fits within a small recess of part #13), wherein the control member is delta shaped, wherein the pivotable member is configured to be pivoted about an axis perpendicular to a major plane of the wing, wherein the pivotable member is configured to be one of inwardly and outwardly pivotable, wherein the pivotable member is configured to be both inwardly and outwardly pivotable (see Figures 1 and 3).
- 3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Daude (4,457,479). Daude discloses every element and limitation of the claimed invention. (The examiner has provided attachment #1 to clearly illustrate how the prior art has

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been viewed. Generally Daude discloses a winglet #1 that is pivotable about Hinges

AB. The fixed and pivotable members have been labeled as such)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah

TERI PHAM LUU SUPERVISORY PRIMARY EXAMINER

U.S. Patent Jul. 3, 1984



4,457,479

